

REGULAR MEETING  
BOROUGH COUNCIL  
BOROUGH OF RUMSON  
December 17, 2013

A regular meeting of the Borough Council of the Borough of Rumson was held in the Charles S. Callman Courtroom of Borough Hall on December 17, 2013 and was called to order by Mayor John E. Ekdahl at 4:40 p.m.

Pledge of Allegiance.

Present: Mayor Ekdahl, Councilwoman DeVoe, Councilmen Broderick, Day, Hemphill and Rubin.

Absent: Councilman Shanley.

Thomas S. Rogers, Municipal Clerk/Administrator, was present.

Martin M. Barger, Borough Attorney, was present.

David Marks of T & M Associates was not present.

The Mayor declared a quorum present and announced that the notice requirements of the Open Public Meetings Act had been met by the posting and mailing of a schedule of all regular and work meetings of the Borough Council for the year 2013 to the *Asbury Park Press* and the *Two River Times*.

**COMMUNICATIONS:**

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**LETTER FROM PLANNING BOARD SECRETARY FREDERICK ANDRÉ ADVISING OF THE RESOLUTION APPROVED AT THE DECEMBER 2, 2013 PLANNING BOARD MEETING FINDING ORDINANCE 13-012 D CONSISTENT WITH THE BOROUGH OF RUMSON'S MASTER PLAN:**

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The Municipal Clerk/Administrator advised of a letter dated December 3, 2013 from Planning Board Secretary Frederick André advising of the resolution approved at the December 2, 2013 Planning Board meeting finding Ordinance 13-012 D consistent with the Borough of Rumson's Master Plan, as required prior the adoption of the Development Ordinance.

On motion by Councilman Hemphill, seconded by Councilman Rubin, this communication was ordered received. All in favor.

**COMMITTEE REPORTS:**

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None.

**UNFINISHED BUSINESS:**

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**ORDINANCE 13-012 D TO AMEND CHAPTER XXII OF THE DEVELOPMENT REGULATIONS SECTIONS 22-3, 22-5 AND 22-8. PUBLIC HEARING:**

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The Municipal Clerk/Administrator stated that an ordinance entitled:

**13-012 D**

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF RUMSON  
BY AMENDING CHAPTER XXII, DEVELOPMENT REGULATIONS

was scheduled for public hearing at this time. He stated that the ordinance had been posted and published and the affidavit of publication is on file.

On motion by Councilman Rubin, seconded by Councilman Hemphill, the public were given an opportunity to be heard on this ordinance in final reading. All in favor.

There was no response from the public.

On motion by Councilman Rubin, seconded by Councilman Hemphill, the public hearing on this ordinance was declared closed. All in favor.

Councilman Rubin moved the adoption of this ordinance in final reading. Motion seconded by Councilman Hemphill and carried on the following roll call vote:

In the affirmative: Broderick, Day, DeVoe, Hemphill and Rubin.

In the negative: None.

Absent: Shanley.

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**NEW BUSINESS:**

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**RESOLUTION 2013-1217-170 AUTHORIZING THE APPOINTMENT OF SCOTT E. LORENSON AS A PART-TIME POLICE DISPATCHER EFFECTIVE DECEMBER 16, 2013:**

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**2013-1217-170**

Councilman Day offered the following resolution and moved its adoption:

**RESOLUTION**

WHEREAS, the Borough of Rumson through its Police Department has the need for a part-time Police Dispatcher; and

WHEREAS, it is believed to be in the best interest of the Borough to employ said part-time Police Dispatcher on an hourly basis;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that Scott E. Lorensen be hired as a part-time Police Dispatcher at an hourly rate of \$12.00 effective December 14, 2013; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Payroll Clerk.

Resolution seconded by Councilman Hemphill and carried on the following roll call vote:

In the affirmative: Broderick, Day, DeVoe, Hemphill and Rubin.

In the negative: None.

Absent: Shanley.

**RESOLUTION 2013-1217-171 AUTHORIZING THE CANCELLATION OF THE PROPERTY TAXES FOR BL 54, LT 5, KNOWN AS 68 BLACKPOINT ROAD, PURCHASED BY THE BOROUGH OF RUMSON:**

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**2013-1217-171**

Councilman Broderick offered the following resolution and moved its adoption:

**RESOLUTION CANCELLING TAXES  
FOR BLOCK 54, LOT 5**

WHEREAS, on January 22, 2013 the Borough of Rumson Affordable Housing Trust Fund acquired Block 54, Lot 5, otherwise known as 68 Blackpoint Road; and

WHEREAS, 2013 1<sup>st</sup> quarter property taxes were paid at closing; and

WHEREAS, there is a balance remaining for 2013 property taxes in the amount of \$4,305.78;  
and

WHEREAS, the Borough Tax Collector has recommended cancellation of the remaining property taxes in the amount of \$4,305.78, now that this property is owned by the Borough of Rumson;

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that the balance remaining of the 2013 property taxes in the amount of \$4,305.78 for Block 54, Lot 5 be cancelled; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Borough Chief Financial Officer.

Resolution seconded by Councilman Hemphill and carried on the following roll call vote:

In the affirmative: Broderick, Day, DeVoe, Hemphill and Rubin.

In the negative: None.

Absent: Shanley.

**RESOLUTION 2013-1217-172 AUTHORIZING AN APPROPRIATIONS TRANSFER:**

**2013-1217-172**

Councilman Rubin offered the following resolution and moved its adoption:

**RESOLUTION**

WHEREAS, it has become necessary to expend for certain purposes specified in the budget an amount in excess of the respective amounts appropriated therefore, and there shall be an excess in one or more appropriations;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson (by 2/3 vote) that the following transfers between appropriations be and the same are hereby approved:

TO:

Public Buildings Other Expenses	
\$10,000.00	
Vehicle Maintenance	\$ 5,000.00
Street Department Other Expenses	\$18,000.00
Utility & Bulk Purchases – Gasoline & Diesel	<u>\$10,000.00</u>
Total:	\$43,000.00

FROM:

Financial Administration – Salary	\$ 2,000.00
Maintenance of Parks Other Expenses	\$18,000.00
Utility & Bulk Purchases – Electricity	\$10,000.00
Insurance – General Liability	<u>\$13,000.00</u>
Total:	\$43,000.00

BE IT FURTHER RESOLVED that the Borough Chief Financial Officer be and is hereby authorized and directed to debit and credit said accounts for 2013 accordingly.

Resolution seconded by Councilman Broderick and carried on the following roll call vote:

In the affirmative: Broderick, Day, DeVoe, Hemphill and Rubin.

In the negative: None.

Absent: Shanley.

**CONSENT AGENDA:**

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**RESOLUTION 2013-1217-173 AUTHORIZING THE REFUND OF TAX SALE  
CERTIFICATE 13-00001 FOR BLOCK 30, LOT 8:**

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**2013-1217-173**

RESOLUTION AUTHORIZING REFUND OF REDEMPTION MONIES  
TO EBURY FUND 1NJ, LLC

WHEREAS, at the Municipal Tax Sale held on November 20, 2013, a lien was sold on Block 30, Lot 8, also known as 46 Bingham Avenue in Rumson, for 2012 delinquent sewer charges; and

WHEREAS, this lien, known as Tax Sale Certificate #13-00001, was sold to Tower Fund Services as Custodian for Ebury Fund 1NJ, LLC, for a \$1,300.00 premium; and

WHEREAS, on behalf of the property owners, Steven and Maria Wyckoff, Jessica Shrout, Mortgage Escrow Specialist for PNC Mortgage, has effected redemption of Certificate #13-00001 in the amount of \$1,049.20.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Rumson hereby authorize the Chief Financial Officer to issue a check in the amount of \$2,349.20 payable to Tower Fund Services as Custodian for Ebury Fund 1NJ, LLC, PO Box 37695, Baltimore, MD 21297-3695 for the redemption of Tax Sale Certificate #13-00001; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Chief Financial Officer/Tax Collector.

**RESOLUTION 2013-1217-174 AUTHORIZING THE REFUND OF TAX SALE  
CERTIFICATE 13-00002 FOR BLOCK 34, LOT 39:**

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**2013-1217-174**

RESOLUTION AUTHORIZING REFUND OF REDEMPTION MONIES  
TO EBURY FUND 1NJ, LLC

WHEREAS, at the Municipal Tax Sale held on November 20, 2013, a lien was sold on Block 34, Lot 39, also known as 63 Lafayette Street in Rumson, for 2012 delinquent sewer charges; and

WHEREAS, this lien, known as Tax Sale Certificate #13-00002, was sold to Tower Fund Services as Custodian for Ebury Fund 1NJ, LLC, for a \$1,300.00 premium; and

WHEREAS, on behalf of the property owner, Stanley A. Moate, CoreLogic Tax Services, LLC has effected redemption of Certificate #13-00002 in the amount of \$1,049.20;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Rumson hereby authorize the Chief Financial Officer to issue a check in the amount of \$2,349.20 payable to Tower Fund Services as Custodian for Ebury Fund 1NJ, LLC, PO Box 37695, Baltimore, MD 21297-3695 for the redemption of Tax Sale Certificate #13-00002; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Chief Financial Officer/Tax Collector.

**RESOLUTION 2013-1217-175 AUTHORIZING THE REFUND OF TAX SALE  
CERTIFICATE 12-00007 FOR BLOCK 97, LOT 31:**

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**2013-1217-175**

RESOLUTION AUTHORIZING REFUND OF REDEMPTION MONIES

TO RAINBOW ASSOCIATES, LLC

WHEREAS, at the Municipal Tax Sale held on December 11, 2012, a lien was sold on Block 97, Lot 31, also known as 6 Clover Lane in Rumson, for 2011 delinquent sewer charges; and

WHEREAS, this lien, known as Tax Sale Certificate #12-00007, was sold to RAINBOW ASSOCIATES, LLC, at 18% per annum interest rate; and

WHEREAS, Karen Robertson Jurczak, the property owner has effected redemption of Certificate #12-00007 in the amount of \$37,765.99;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Rumson hereby authorize the Chief Financial Officer to issue a check in the amount of \$37,765.99 payable to Rainbow Associates, LLC, PO Box 117, Morris Plains, NJ 07950 for the redemption of Tax Sale Certificate #12-00007; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Chief Financial Officer/Tax Collector.

**RESOLUTION 2013-1217-176 AUTHORIZING THE REFUND OF AN OVERPAYMENT ON TAX SALE CERTIFICATE 13-00005 FOR BLOCK 142, LOT 1.03:**

**2013-1217-176**

RESOLUTION REFUNDING OVERPAYMENT  
OF SUBSEQUENT DELINQUENCIES BY  
A LIEN HOLDER FOR BLOCK 142, LOT 1.03

WHEREAS, the Lien Holder of Tax Sale Certificate #13-00005 requested the amount of 2013 Municipal Sewer delinquency be calculate through November 27, 2013; and

WHEREAS, on November 25, 2013 payment in the amount of \$401.80 was received from National Tax Search for the 2013 delinquent municipal sewer charges for Block 142, Lot 1.03, leaving a balance due of \$27; and

WHEREAS, on November 27, 2013, Tower Fund Services as Custodian for Ebury Fund 1NJ LLC remitted payment in the amount of \$429.20 for the delinquent municipal sewer charges for this property, causing an overpayment in the amount of \$402.17; and

WHEREAS, Helen L. Graves, Borough Chief Financial Officer/Tax Collector has confirmed this overpayment and recommends a refund in the amount of \$402.17 be made to Tower Fund Services as Custodian for Ebury Fund 1NJ LLC;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that the overpayment of subsequent delinquent charges, in the amount of \$402.17, for Block 142, Lot 1.03 be refunded to Ebury Fund 1 LP, PO Box 281, Rye, NY 10580; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Chief Financial Officer.

**RESOLUTION 2013-1217-177 AUTHORIZING THE REFUND OF AN OVERPAYMENT OF PROPERTY TAXES ON BLOCK 86, LOT 8 DUE TO MONMOUTH COUNTY TAX COURT JUDGMENTS:**

**2013-1217-177**

RESOLUTION TO AUTHORIZE THE REFUND OF 2012 AND 2013  
PROPERTY TAX OVERPAYMENTS DUE TO TAX COURT OF  
NEW JERSEY CIVIL ACTION JUDGMENTS  
FOR BLOCK 86, LOT 8

WHEREAS, State Tax Court Judgments dated November 8, 2013 have been favorably awarded to Jack and Kate McShane, Block 86, Lot 8, for fiscal years 2012 and 2013; and

WHEREAS, such judgments have resulted in an overpayment of 2012 property taxes in the amount of \$1,546.00; and

WHEREAS, such judgments have resulted in an overpayment of 2013 property taxes in the amount of \$1,608.00; and

WHEREAS, the stipulations of settlement waive statutory interest; and

WHEREAS, Thomas L. Murphy, Attorney for the property owners, and the Borough Tax Assessor, Peter J. Barnett, have confirmed that no further appeal of this judgment will be filed;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Rumson, that the overpayments totaling \$3,154.00 be refunded to Thomas L. Murphy, Esq. and Jack and Kate McShane, 113 W White Horse Road, Suite 4, Voorhees, NJ 08043; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Chief Financial Officer/Tax Collector.

**RESOLUTION 2013-1217-178 AUTHORIZING THE REFUND OF AN OVERPAYMENT OF PROPERTY TAXES ON BLOCK 137, LOT 7:**

**2013-1217-178**

**RESOLUTION REFUNDING TAX OVERPAYMENT  
FOR BLOCK 137, LOT 7**

WHEREAS, the amount billed for the 2013 4th quarter property taxes for Block 137, Lot 7 was \$2,352.92; and

WHEREAS, on November 6, 2013, payment in the amount of \$2,352.92 was made via Direct Withdrawal from the property owners bank; and

WHEREAS, on November 12, 2013, the property owners, Salvatore and Lisa Taddeo, made a duplicate payment in the amount of \$2,352.92; and

WHEREAS, Helen L. Graves, Borough Chief Financial Officer/Tax Collector has confirmed this overpayment and recommends a refund in the amount of \$2,352.92 be made to Salvatore and Lisa Taddeo;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that the tax overpayment in the amount of \$2,352.92 for Block 137, Lot 7 be refunded to Salvatore and Lisa Taddeo, 28 Warren Street, Rumson, NJ 07760; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Chief Financial Officer.

Councilman Rubin moved the adoption of the above six (6) Resolutions on the Consent Agenda. Motion seconded by Councilwoman DeVoe and carried on the following roll call vote:

In the affirmative: Broderick, Day, DeVoe, Hemphill and Rubin.

In the negative: None.

Absent: Shanley.

**FINANCIAL OFFICER'S REPORT;**

The Financial Officer's Reports disclosed the following as of November 30, 2013:

Borough of Rumson  
Chief Financial Officer Report to the Mayor and Council

Analysis of Cash for the Month Ending: November 30, 2013

<b>Funds</b>	<b>Beginning Balance</b>	<b>Cash Receipts</b>	<b>Disbursements</b>	<b>Ending Balance</b>
1. CURRENT FUND				
Current Fund Checking	\$ 20,717,235.89	\$ 7,306,703.90	\$ (8,211,749.47)	\$ 19,812,190.32
Change Funds	\$ 300.00	\$ 0.00	\$ 0.00	\$ 300.00
Certificates of Deposit	\$ 0.00	\$ 0.00	\$ 0.00	\$ —
Total Current Fund	\$ 20,717,535.89	\$ 7,306,703.90	\$ (8,211,749.47)	\$ 19,812,490.32
2. CAPITAL FUND				
Capital Fund Checking	\$ 955,212.84	\$ 0.00	\$ (7,400.99)	\$ 947,811.85
2007 Capital Improvement Bond Proceeds	\$ 647,934.93	\$ 0.00	\$ 0.00	\$ 647,934.93
Total Capital Fund	\$ 1,603,147.77	\$ 0.00	\$ (7,400.99)	\$ 1,595,746.78
3. PAYROLL & PAYROLL AGENCY				
Payroll	\$ 2,981.86	\$ 284,541.90	\$ (284,541.90)	\$ 2,981.86
Payroll Agency	\$ 12,941.76	\$ 165,956.47	\$ (165,956.47)	\$ 12,941.76
Total Payroll & Payroll Agency	\$ 15,923.62	\$ 450,498.37	\$ (450,498.37)	\$ 15,923.62
4. TRUST FUNDS				
Trust Fund Checking	\$ 726,001.68	\$ 3,624.00	\$ (2,600.00)	\$ 727,025.68
Unemployment Trust	\$ 109,752.04	\$ 72.19	\$ 0.00	\$ 109,824.23
Recreation Trust	\$ 272,287.56	\$ 5,090.00	\$ (35,285.20)	\$ 242,092.36
C.O.A.H. Trust	\$ 1,180,674.56	\$ 33,607.50	\$ (4,796.90)	\$ 1,209,485.16
Law Enforcement Trust Fund	\$ 428.90	\$ .28	\$ 0.00	\$ 429.18
D.A.R.E.	\$ 8,977.44	\$ 5.91	\$ 0.00	\$ 8,983.35
Cafeteria Plan	\$ 2,385.72	\$ 0.00	\$ (349.27)	\$ 2,036.45
Animal Control Trust Fund	\$ 37,640.18	\$ 62.00	\$ (107.40)	\$ 37,594.78
Public Assistance Trust Fund	\$ 839.35	\$ 0.00	\$ 0.00	\$ 839.35
Total Trust Funds	\$ 2,338,987.43	\$ 42,461.88	\$ (43,138.77)	\$ 2,338,310.54
 TOTAL ALL FUNDS	 \$ 24,675,594.71	 \$ 7,799,664.15	 \$ (8,712,787.60)	 \$ 23,762,471.26

Respectfully submitted by:

*Helen L. Graves*

Helen L. Graves, Chief Financial Officer

On motion by Councilman Broderick, seconded by Councilman Day, the Financial Officer's Report was ordered received and carried on the following roll call vote:

In the affirmative: Broderick, Day, DeVoe, Hemphill and Rubin.

In the negative: None.

Absent: Shanley.

#### **CONSIDERATION OF BILLS AND CLAIMS (RESOLUTION):**

Councilman Hemphill offered the following resolution and moved its adoption:

\$	400.00	Monmouth County SPCA
\$	400.00	Animal Control Account
\$	14.89	JCP&L
\$	14.89	COAH Trust Fund
\$	545.00	ACS Firehouse Software
\$	405.00	Alan's Rumson Florist
\$	25,807.38	Allied Oil LLC
\$	1,047.20	Americanwear Indust Uniforms
\$	400.00	James P Ammaturo
\$	518.38	Bain's Hardware Inc
\$	500.00	Peter J Barnett
\$	599.00	Katherine Barrett
\$	443.90	Bob's Uniform Shop
\$	300,000.00	Borough of Rumson Capital Acct
\$	10,000.00	Borough of Rumson Recreation
\$	10,000.00	Borough of Rumson Trust Other
\$	4,230.00	Borough of Fair Haven

\$	599.00	Jennifer Brennan
\$	1,687.50	William E Brooks
\$	16.00	Butch's Auto Car Wash Inc
\$	7.24	Circle Chevrolet Inc
\$	599.00	Durant Cogger
\$	116.98	Comcast of Monmouth
\$	175.00	Dick's Auto Electric Inc
\$	4,698.40	Ebury Fund 1NJ LLC
\$	402.17	Ebury Fund 1 LP
\$	599.00	Robert Eyerkuss
\$	83.33	Nick A Fabiano Jr
\$	360.00	James E Fenn III
\$	400.00	Eugene F Ferry
\$	599.00	Donna Gialanella
\$	599.00	Stacy Giglio
\$	6,916.31	Giordano Halleran & Ciesla
\$	599.00	David Hand
\$	2,197.60	International Salt
\$	110.90	JB Sales and Service
\$	6,855.59	JCP&L
\$	504.00	Kencor Inc
\$	77.60	Kepwel Natural Spring Water
\$	713.35	Lanigan Associates Inc
\$	95.00	Lawyers Diary and Manual
\$	360.00	Timothy Leonard
\$	866.69	Level 3 Communications LLC
\$	599.00	Norman Long
\$	360.00	Robert J Marass
\$	233.33	Vito W Marra
\$	599.00	Darren McConnell
\$	599.00	Robert Micieli
\$	210.25	Mid-Atlantic Truck Centre Inc
\$	133.33	Frederick Migliaccio
\$	16,511.43	Treasurer County of Monmouth
\$	599.00	Edward Moran
\$	3,154.00	Thomas L Murphy Esq &
\$	89.75	Sigman USA LLC DBA Mytarp.com
\$	339.09	Naylor's Auto Parts
\$	10,579.04	New Jersey American Water
\$	599.00	Mary F Nichols
\$	599.00	Dennis Nitka
\$	599.00	Jeffrey Nixon
\$	599.00	Amy Nixon
\$	244.66	NJ Natural Gas Co
\$	107.56	One Call Concepts
\$	17,577.00	Overbrook Farm
\$	1,079.00	Scott Paterson
\$	230.99	PEP Express Parts
\$	980.00	Dennis Peras
\$	213.75	PL Custom Emergency Vehicles
\$	445.00	Powerhouse Signworks
\$	599.00	Emily Powell
\$	90.00	Professional Gov't Educators
\$	2,555.00	Pumping Services Inc
\$	330.00	Radio Express Inc
\$	37,765.99	Rainbow Associates LLC
\$	300.00	Realty Appraisal Company
\$	599.00	Hope H Richardson
\$	980.00	Thomas S Rogers
\$	599.00	Max Ross
\$	599.00	Chris Santora
\$	360.00	Robert Savoth
\$	599.00	Donald Schneider
\$	42.25	Seaboard Welding Supply Inc



\$	480.00	Frederick G Shea
\$	124.16	Snap On Industrial
\$	250.00	State Shorthand Reporting Serv
\$	400.00	Stewart's Plumbing
\$	2,352.92	Salvatore & Lisa Taddeo
\$	1,349.00	Joseph Truex
\$	164.35	The Two River Times
\$	1,726,801.94	Two River Community Bank
\$	205.74	Verizon
\$	160.04	Verizon Wireless
\$	134.99	Verizon Business Fios
\$	1,684.41	George Wall Lincoln
\$	418.10	Warshauer Electric Supply
\$	480.00	Mark Wellner
\$	599.00	John Wibbelsman
\$	599.00	Christopher J York
\$	599.00	Donald York
\$	35.00	Carol Ann Dice
\$	599.00	Michael Trivett
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\$	2,224,868.59	Current Fund
\$	683.43	Ann's Party Rentals
\$	4,291.00	Linda M Walton Catering
\$	2,200.00	Concept Professional Systems
\$	2,500.00	McLoone Management
\$	240.00	Nelson Press
\$	253.00	Scott Paterson
\$	76.30	Perry's Trophy Co Inc
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\$	10,243.73	Endowment Inc Account
\$	95.00	Jennifer Collum-Glassman
\$	1,450.00	Kristin Gould
\$	30.00	Jack Havard
\$	236.00	Nelson Press
\$	733.43	Sarah Orsay
\$	200.00	Reghan Pattwell
\$	263.00	Sam Sapnar
\$	3,000.00	Alex Shanley
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\$	6,007.43	Recreation Account
\$	1,000.00	Angela J Teevan
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\$	1,000.00	Trust Account
\$	713.35	Current Fund Appropriations
\$	2,224,155.24	Current Fund Appropriations
\$	400.00	Animal Control Fund Expenses
\$	10,243.73	Endowment Disbursements
\$	6,007.43	Recreation Disbursements
\$	1,014.89	Trust Fund – Other Expenses
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\$	2,242,534.64	Total Of All Funds

Resolution seconded by Councilman Broderick and carried on the following roll call vote:

In the affirmative: Broderick, Day, DeVoe, Hemphill and Rubin.

In the negative: None.

Absent: Shanley.

#### **COMMENTS FROM THE COUNCIL:**

The Mayor afforded the members of the Council an opportunity to be heard at this time and Councilman Day responded.

Councilman Day reported that the Borough's AM emergency radio station broadcast was up and running and now it could be heard on the Internet on the Borough Website and also on smart phones. He reminded people to bookmark it so they could call it up quickly when needed.

Mayor Ekdahl stated that we share the station with Sea Bright and thanked Councilman Day for his comment.

#### **COMMENTS FROM THE PUBLIC:**

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Mayor Ekdahl stated that the meeting would be opened to the public for comments at this time and stated that he thought that most of the people in attendance were aware of the incident at 61 South Ward Avenue very early this morning. He reported that there were two violations that Oxford House had said that they would address, but apparently had not. He stated that Police Chief Paterson had advised him that a proctor was not present when he arrived on the scene in response to a medical emergency call at 5:30 a.m.; there was also a female guest visitor at the house, which was a violation of the midnight curfew. Because of those Oxford House violations, it was decided in an early morning meeting that the Borough would file an injunction with the Court in Freehold. The decision was made prior to the Borough contacting Oxford House later in the day.

Prior to introducing Borough Attorney Martin M. Barger to explain the intricacies and legalities of the injunction, Mayor Ekdahl stated that the Borough Council meeting on December 3<sup>rd</sup> had gotten out of control. He stated that the Council had a work session following this meeting and there was also a Zoning Board meeting this evening, so the following would have to be followed:

- The meeting would not go beyond 5:30 p.m.,
- All comments were to be limited to no more than three (3) minutes and
- No speaker would be heard a second time until all others had been heard.

Mayor Ekdahl turned the meeting over to Mr. Barger.

Mr. Barger explained that we have found additional violations, which we had indicated in earlier meetings would be needed to move forward with legal action. He reported that he had spoken with the Municipal Clerk/Administrator around 7:00 a.m. today to immediately begin work on a verified complaint in order to show cause in the Chancery Division of Superior Court in Freehold. We have requested that a temporary injunction be issued, the people in the house be removed immediately from the Oxford House facility at 61 South Ward Avenue and that a permanent injunction also be issued. He reported that the documentation was finished up around 12:00 noon, the Municipal Clerk/Administrator signed the verification, Mr. Barger called Judge Cleary's office and advised that it was on its way and it was delivered to Freehold this afternoon. Judge Cleary's secretary advised Mr. Barger that the Judge would take the documents home tonight for review and she would hopefully get back to Mr. Barger on Wednesday to advise of how the matter would proceed. Mr. Barger advised the residents in attendance that the Courts were closed next week for the holiday, so if Judge Cleary decided to issue the injunction or hold a hearing, it would have to be done between now and Friday, December 20<sup>th</sup>. He added that the immediate relief the Borough was seeking was for everyone to be removed from that house with a temporary injunction; for a permanent injunction, Judge Cleary would probably schedule a hearing sometime in January. Mr. Barger reported that he had driven past the house at about 4:15 p.m. on his way to this meeting and there were no lights on or cars present; the only thing he saw was a grill in the backyard. He stated that, either voluntarily or involuntarily, it would appear that there was no one there; but he was not sure of it and didn't know if anyone would show up tomorrow. Mr. Barger stated that the Borough had set forth all of the allegations as to the various events that had taken place and hopefully the Judge would be satisfied with our presentation, or she might require additional testimony or copies of police reports that we could supply if requested. Mr. Barger reported that he had e-mailed Paul Malloy of Oxford House around 7:30 a.m. today to advise of the situation at the facility and to let him know that if the house wasn't vacated immediately, the Borough was going to go for injunctive relief. Mr. Barger stated that he had not received a response from Mr. Malloy until later in the morning; he had not waited for his response but moved forward with the pleadings and e-mailed a scanned copy of the complaint that was filed to make Mr. Malloy aware of what the Borough was doing. Mr. Barger stated that he had not received a response.

Mr. Barger reported that the Borough hopefully expected to hear from Judge Cleary on Wednesday, December 18<sup>th</sup> indicating whether there would be a hearing, whether she would even require a hearing or could grant the preliminary relief without one. He stated that one problem that he has had throughout this matter was that Oxford House has not had an attorney, local or otherwise,

to represent them and for us to negotiate with or really talk to. Mr. Barger stated that hopefully this action would motivate them to get an attorney that he could speak with and move the matter along. He stated that, although their headquarters was located in Maryland, they had a number of other facilities in Monmouth County and should have some local legal representation—but up to this point they have not contacted us.

Mr. Barger stated that the Borough had moved forward expeditiously as soon as we found out about all of these violations and hopefully the Judge would agree with us. He added that George Kent, a local representative of Oxford House, had indicated to the Municipal Clerk/Administrator that they were looking at another facility in a nearby town and planned to move the men residing at 61 South Ward Avenue into it in the near future; perhaps they did that today. He stated that perhaps the Municipal Clerk/Administrator could add that to the information.

The Municipal Clerk/Administrator reported that he had spoken to George Kent twice today—once in the morning about the issue and again in the afternoon prior to this meeting—and he had indicated that everyone in the house had been moved to a house in another town and that the only person who might stay in the house tonight was Mike Lavecchia. The Municipal Clerk/Administrator reported that during the second phone call Mr. Kent had advised that he was aware that the Borough had filed for the injunction; Mr. Kent had spoken to Mr. Malloy in Maryland and also to another Oxford House representative with a position between the local and national representatives who were also aware of the issues. He added that they were aware that the Borough was coming after them.

Mayor Ekdahl stated that he wanted to clarify that the Oxford House plan had not been to vacate the house entirely, but to move the men out of the facility and to move in women recovering from alcohol and drug addiction. He added that hopefully our injunction would prevent that from happening.

The Mayor afforded the public an opportunity to be heard at this time and asked that everyone state their name and address and the following residents responded:

Jennifer Littman of 69 South Ward Avenue asked if the Oxford House organization was above this action legally or could the Borough actually get somewhere with the injunction.

The Borough Attorney advised that the Borough's position has been and would continue to be that they have the federal legislation; however, to get the benefits of the legislation, they have to comply with the terms of it. He added that it was the Borough's position that they were not in compliance and should not have that protection. In answer to another question from Ms. Littman, Mr. Barger stated that the Judge Patricia Cleary was the presiding Judge of the Chancery Division who would rule on the complaint.

Ms. Littman stated that she had sent the Borough an e-mail to thank everyone very much for taking this action.

Jim Sylvester of 22 Washington Avenue thanked the Borough for taking this action and said that it was a good use of our resources. He added that their group was behind it and would support it in any way that they could. Mr. Sylvester asked who the defendants were in the complaint.

Mr. Barger stated that he named both the Oxford House and 61 South Ward Avenue as an unincorporated association as the two defendants.

Mr. Sylvester stated that after their group had been notified on December 13<sup>th</sup> that their proposal to have screenings and background checks were rejected, they also learned that Oxford House had decided to move the male residents out of 61 Ward Avenue and make it a female residence. He stated that even before this morning's tragic event—and due to the action of the Police Department and Emergency Services gratefully the young man was alive—their group had been against this kind of thing from happening and, even with the Mayor, Council and Police Officers having done everything they could, it happened again. He stated that from everything he found, 61 Ward Avenue, whose name the lease was in, does not exist anymore and that the residents of the house did not vote to close the house down and move. He stated that, whatever this was, was being controlled by Oxford House at a state or national level, and on that basis the landlord should move immediately to evict the tenants. Mr. Sylvester added that the facility was a failure. He stated that Mr. Levecchio was a nice young man, but it was pretty obvious to the neighbors that he was not living there. He added that when the neighborhood residents tried to have a constructive dialog with

the Oxford House representatives in the November meeting, they were lied to and they continued to lie and it was wrong.

Mr. Barger stated that most of what Mr. Sylvester mentioned was contained in the complaint that he filed.

Mr. Sylvester stated that he wanted to make it clear that no one was to contact Judge Cleary on this matter; he explained that the Borough has filed the complaint with the evidence and everyone would just have to wait for her decision. Mr. Sylvester stated that if they go away that would be great; but if it was decided that females would be allowed to occupy the residence, the neighbors would have the same concerns. He stated that nothing that occurred has assured the neighborhood residents that Oxford House was an organization that could be trusted, was accountable or transparent. Mr. Sylvester stated that he hoped in the New Year that he would have an opportunity to talk to our legislators about appropriate regulations for such facilities.

Mr. Barger stated that he wanted to point out that in the Borough's complaint we did include that they refused to do the drug tests and refused to do criminal background checks and refused to give us a list of the people who were living in the house.

Mr. Sylvester stated that he was very glad to hear that.

Kate McBride of 28 Lincoln Avenue stated that she wanted to go on record to thank the Mayor and Council, Police Chief Paterson and the EMS and especially everyone that was at 61 South Ward Avenue this morning who saved the young man's life.

Tom Ridgway of 56 Blackpoint Road thanked everyone for their services and everything they have done. He asked if the Borough has reached out to the property owner/landlord to see if they would be willing now to officially begin the eviction process, whether the injunction was granted or not.

The Municipal Clerk/Administrator reported that he had spoken to the property owner/landlord, Charlie Farkouh, today and advised that he was aware of the incident this morning and understood that it was a matter between his attorney and him. He added that he wasn't overly confident that Mr. Farkouh understood some options and different things that were discussed that should be considered. The Municipal Clerk/Administrator stated that he then called the owner's attorney this morning and explained the fact that Oxford House was changing the residents from men to woman. He discussed with the attorney that they were clearly in violation of the lease by not following the Oxford House Charter, which was the basis of the Borough's complaint that was filed. The Municipal Clerk/Administrator reported that the attorney stated that he would take the matter up with his client.

The Municipal Clerk/Administrator stated that he has been criticized for communicating and keeping the lines of communication open with what some people might consider as adversaries in this "nightmare." He stated that he felt it was important in this case to communicate with the owner and Oxford House representatives because things needed to be suggested at certain times. He added that sending an e-mail to the national headquarters in Maryland and receiving a response in a matter of hours was pretty good. The Municipal Clerk/Administrator stated that he would like to see this issue resolved and that keeping communication open between all parties might help the situation.

The Municipal Clerk/Administrator stated that Mr. Farkouh was in the building and had expressed some interest in making a statement at this meeting—not necessarily answering questions; he added that it was Mr. Farkouh's idea and he wanted to go on record stating that he was not sure that it would be a good idea. He asked that Mayor if he wanted to invite Mr. Farkouh in to make a statement.

Mayor Ekdahl stated that we could but he didn't think that it would be the proper time, in light of the decision that was to be made by the Court. He added that one thing that the Municipal Clerk/Administrator had not stated at this meeting was that in a conversation less than an hour ago with George Kent, the local Oxford House representative, the Municipal Clerk/Administrator had offered for the Borough to act as a broker, or stand in the middle, between the landlord and Oxford House to assist them in breaking the lease on both sides, so that neither party was hurt.

The Mayor stated that the Council was willing to allow Mr. Farkouh to address the Council and residents—he surely had the right to do so. He stated that the Council would not permit the

residents to cross examine him because progress was being made and we would not want to do anything to impede that progress. Mayor Ekdahl requested that Police Sergeant Vilardi ask Mr. Farkouh if he wished to speak at this time. In the meantime, he said there was time for anyone else who wished to comment to speak.

Gwen Wisely of 33 Waterman Avenue asked Chief of Police Scott Paterson if there was any ongoing criminal investigation or criminal charges for today's incident or anything in general at 61 South Ward Avenue.

Chief Paterson stated that he could not comment on any prior incidents but today's incident was a first aid call and there were no criminal investigation or charges for today.

Councilman Day asked the Borough Attorney how long would the temporary injunction be for if it was to be granted.

Mr. Barger advised that it would stay in effect until there was a hearing on the permanent injunction.

Mayor Ekdahl stated, to be clear, there would be a hearing one way or another—if the Judge does not grant a temporary injunction and order the residents out of the house, there will still be a hearing.

Mr. Barger stated that unless there was a stipulation that they were moving their facility and signing off completely, the Borough would follow through with the complaint. He stated that they would have to enter into an agreement stating that they would not use this facility and were terminating the operation and their lease. Mr. Barger stated that this was the relief the Borough was seeking; if and when Oxford House gets an attorney, we could discuss it with them. He added that, short of that, there would be a hearing.

Jim Sylvester asked if the stipulation would include any language that they would not try to come back into Rumson.

Mr. Barger said that he could make it a condition that he would try to impose.

Tim McCooey of 22 Buttonwood Lane East asked if the men were moved out and women were moved in, would that start the clock at zero for us.

Mr. Barger stated that we asked for an injunction against Oxford House (no matter who the residents were); the primary defendant on the complaint was Oxford House, Inc. that oversees the whole national operation. He added that if the little 61 South Ward Avenue association disappeared, then Oxford House could try to do something else if they were not the primary defendant. He stated that it was important that Oxford House was named as the primary defendant and it would be a mistake to just name the small association that operated this one house. Mr. Barger added that was why he contacted Mr. Malloy, the National Director of Oxford House, even before the papers were filed so they he would know what the Borough was doing.

Jim Sylvester asked the Mayor for an update on the Mayor's meeting with State Senator Joseph Kyrillos.

Mayor Ekdahl stated that he had a text exchange early this morning with Senator Kyrillos and brought him up-to-date on the latest incident. He added that he and Councilmen Hemphill and Shanley had met with the Senator for breakfast last Friday, December 13<sup>th</sup> and discussed all issues and events up to that point. He reported that Senator Kyrillos was looking into it, but we were at that point in the Legislative season when nothing could happen with only one more session this year. The Mayor stated that the Borough was keeping Senator Kyrillos informed as things developed. He added that we have also recently had contact with Assemblyman Declan O'Scanlon and Assemblywoman Amy Handlin because any legislation would have to pass in both the Senate and the Assembly and would keep them informed on any new developments as well, like this morning's incident.

In answer to a question from Mr. Sylvester, Mayor Ekdahl stated that Senator Kyrillos, Assemblyman O'Scanlon and Assemblywoman Handlin seemed interested, but they were in the minority and sometimes it was difficult for them to work on something even through a committee,

much less get it to the floor on a vote. He added that they would try and we would keep them informed as things moved forward.

The Mayor advised that Mr. Farkouh decided that he would not make a statement at this time and asked if there were any more questions or comments from the public and no one responded.

**ADJOURNMENT:**

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On motion by Councilwoman DeVoe, seconded by Councilman Rubin, the meeting adjourned at 5:08 p.m. All in favor.

Respectfully submitted,

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Thomas S. Rogers, R.M.C.  
Municipal Clerk/Administrator